

Message Text

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TO AMEMBASSY BONN PRIORITY

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

USMISSION EC BRUSSELS

USMISSION NATO

USMISSION USBERLIN

C O N F I D E N T I A L STATE 219657

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, EC, GW, US, UK, FR, UR

SUBJECT: ALLIED REPLY TO SOVIET DEMARCHE ON EC PARLIAMENT

REF: BONN 14571; BONN 14595; MOSCOW 12465

1. DEPARTMENT HAS GIVEN CAREFUL CONSIDERATION TO THE
DRAFT REPLY PREPARED BY THE BONN GROUP. WE AGREE THAT
ALLIED ARGUMENTS SHOULD BE BASED ON THE FACT THAT
EXTENSION OF THE ROME TREATY TO BERLIN WAS PART OF THE
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"EXISTING SITUATION" ACCEPTED BY THE SOVIET UNION WHEN

IT SIGNED THE QA IN 1971. HOWEVER, WE QUESTION THE UTILITY OF REPLYING IN AS MUCH DETAIL AS IS CONTAINED IN THE BONN GROUP DRAFT, FOR THE FOLLOWING REASONS:

A. AS NOW WORDED, THE BONN GROUP TEXT GOES INTO CONSIDERABLE DETAIL TO DEMONSTRATE THAT THE "EXISTING SITUATION" DID INCLUDE THE ROME TREATY AND OTHER EC CONVENTIONS. IT DOES NOT, HOWEVER, MEET THE CENTRAL POINT OF THE SOVIET DEMARCHE, I.E. THAT REGARDLESS OF WHETHER THE USSR ACCEPTED EXTENSION OF THE ROME TREATY, PLANS FOR FURTHER EUROPEAN INTEGRATION CONSTITUTE A CHANGE IN THE "EXISTING SITUATION" AND THUS ALTER THE STATUS OF BERLIN. TO BE COMPLETE, THE ALLIED RESPONSE MUST ALSO ADDRESS THIS POINT BY ARGUING IN EFFECT THAT THE EC HAS DEVELOPED STEADILY SINCE 1957 AND THAT THE FACT OF THIS INSTITUTIONAL DEVELOPMENT IS ITSELF PART OF THE "EXISTING SITUATION" ACCEPTED BY THE SOVIETS IN 1971.

B. HOWEVER, TO MAKE THIS POINT, THE ALLIED RESPONSE WOULD HAVE TO SUGGEST THAT WHATEVER DIRECTION INSTITUTIONAL DEVELOPMENT OF THE EC SHOULD TAKE, THE THREE POWERS WILL CONSIDER IT TO BE PART OF THE "EXISTING SITUATION" AND THUS ACCEPTABLE IN BERLIN. INCLUDING SUCH LANGUAGE IN A RESPONSE TO THE SOVIETS COULD LEAD TO AN EVEN STIFFER SOVIET REACTION. SINCE THE SOVIETS SEEM TO PLACE GREAT IMPORTANCE ON THE EC ISSUE, THEY MIGHT OVER-REACT TO SUCH AN ALLIED STATEMENT, BELIEVING IT TO BE CONFIRMATION OF THEIR WORST FEARS. WESTERN INTERESTS IN ENSURING THE GREATEST POSSIBLE INTEGRATION OF THE WSB INTO THE EC WOULD NOT BE SERVED BY RISKING A CONFRONTATION WITH THE SOVIETS AT THIS TIME.

2. BASED ON THESE CONSIDERATIONS, THE DEPARTMENT HAS CONCLUDED THAT THE BEST COURSE WOULD BE TO SHORTEN THE RESPONSE AS MUCH AS POSSIBLE IN ORDER TO OBLIGE THE NEED FOR A DETAILED DISCUSSION OF OUR LEGAL POSITION. WESTERN VIEWS ON THE QUESTION OF BERLIN'S RELATIONSHIP TO THE EC ARE WELL KNOWN AND THE AMOUNT OF DETAIL CONTAINED IN THE BONN GROUP DRAFT SEEMS UNNECESSARY.

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3. AS AN ALTERNATIVE, THE DEPARTMENT WOULD PROPOSE THE FOLLOWING SHORTENED TEXT, WHICH IS BASED ON THE BONN GROUP DRAFT:

BEGIN TEXT:

A. ON BEHALF OF THE (BLANK) GOVERNMENT, I WOULD LIKE TO

STATE THE FOLLOWING WITH REGARD TO THE STATEMENT OF THE
USSR MINISTRY OF FOREIGN AFFAIRS OF AUGUST 3, 1976:

B. THERE IS NO JUSTIFICATION FOR THE SOVIET CLAIM THAT
CONTINUED PARTICIPATION OF BERLIN REPRESENTATIVES IN THE
EUROPEAN PARLIAMENT WOULD CONSTITUTE A CHANGE IN THE STATUS
OF THE WESTERN SECTORS. DIRECT ELECTIONS TO THE EUROPEAN
PARLIAMENT WERE FORESEEN IN THE ORIGINAL TREATY OF ROME
WHICH THE THREE POWERS, IN ACCORDANCE WITH ESTABLISHED
PROCEDURES, AND SUBJECT TO ALLIED RIGHTS AND
RESPONSIBILITIES, ALLOWED TO BE EXTENDED TO THE WESTERN
SECTORS OF BERLIN IN 1957. SINCE 1957, THE THREE POWERS
HAVE ENSURED THAT APPLICATION TO BERLIN OF DEVELOPMENTS
IN THE EUROPEAN COMMUNITY HAVE BEEN IN ACCORDANCE WITH
THESE RIGHTS AND RESPONSIBILITIES. IN THE CASE OF THE
PROPOSAL FOR DIRECT ELECTIONS, THE THREE POWERS HAVE
DETERMINED THAT REPRESENTATIVES FROM BERLIN SHOULD NOT
BE ELECTED DIRECTLY, OUT WILL BE SELECTED BY THE BERLIN
HOUSE OF REPRESENTATIVES. IN THESE CIRCUMSTANCES,
THERE CAN BE NO DOUBT THAT INDIRECT PARTICIPATION OF
THE WSB IN ELECTIONS TO THE EUROPEAN PARLIAMENT WOULD NOT
CONSTITUTE A VIOLATION OF THE QA.

C. THE (BLANK) GOVERNMENT FOR ITS PART WILL CONTINUE
TO PURSUE POLICIES AIMED AT PREVENTING COMPLICATIONS
IN AND AROUND BERLIN.

END TEXT.

4. DEPARTMENT AGREES THAT ALLIED RESPONSE SHOULD BE
TRANSMITTED BEFORE SEPTEMBER 20 IF POSSIBLE AND THAT IT
SHOULD BE RELEASED TO THE PRESS. HOWEVER, THE FACT
THAT THE TEXT WILL BE RELEASED TO THE PRESS ARGUES FOR
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CONSIDERABLE CARE IN DRAFTING. WE WOULD PREFER TO DELAY
ISSUANCE UNTIL AFTER SEPTEMBER 20 IF NECESSARY TO OBTAIN
AGREEMENT ON SATISFACTORY TEXT. ROBINSON

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